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Attorneys for Defendant
WESTERN CONFERENCE OF TEAMSTERS
PENSION TRUST FUND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN T. KENDALL, Trustee,

Plaintiff,

vs.

WESTERN CONFERENCE OF
TEAMSTERS PENSION TRUST FUND;
AND DEAN J. HEIKES,

Defendants.

Case No. 11-CV-04775-CRB

**STIPULATION AND [PROPOSED] ORDER
TO CORRECT FILING OF DOCUMENTS
TRANSFERRED FROM BANKRUPTCY
COURT**

Plaintiff JOHN T. KENDALL, TRUSTEE (“Plaintiff”) and Defendants WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST FUND and DEAN J. HEIKES hereby agree to the following stipulation to be binding on the parties hereto and request this Court to approve the terms of this Stipulation to Correct Filing of Documents Transferred from Bankruptcy Court as set forth herein:

1. On August 31, 2011, Defendant Western Conference of Teamsters Pension Trust Fund (“Defendant”) filed by physical hard-copy with the U.S. Bankruptcy Court, Northern District of California (the “Bankruptcy Court”) a Motion to Withdraw Reference of Adversary Proceeding Pursuant to 28 U.S.C. § 157(d) (“Motion to Withdraw”), and a Declaration of Clarissa A. Kang in support thereof (the “Declaration”), in *Kendall v. Western Conference of Teamsters Pension Trust*

1 *Fund; and Dean J. Heikes, A.P. 11-4197 (the "Adversary Proceeding").*

2 2. On September 26, 2011 the Bankruptcy Court electronically transferred the Motion
3 to Withdraw and the Declaration to this Court, combining them into Docket Nos. 1-7, 1-8 and 1-9.

4 3. The Declaration itself contained three exhibits. The parties only recently discovered
5 that the following pages are missing from two of the three exhibits in the version of the documents
6 appearing on the Court's electronic docket at Docket Nos. 1-7 and 1-8:

7 Exhibit A – Pages 97 and 98 of the Western Conference of Teamsters
8 Pension Plan document; and

9 Exhibit B – Page 1 and 3 of the May 2, 2011 letter that counsel for
10 Defendant sent to Randall Boone and Dean Heikes

11 4. Attached as Exhibits A and B, respectively to this Stipulation are full copies of the
12 above-mentioned Exhibits A and B that were filed in hard copy with the Bankruptcy Court and
13 served on counsel for Plaintiff John T. Kendall and on Defendant Dean J. Heikes on August 31,
14 2011. Mr. Heikes has not yet appeared in this action.

15 5. In light of the above and in the interests of time and efficiency, the parties agree that
16 the Court should incorporate these corrected exhibits into the docket.

17 IT IS SO STIPULATED.

18
19 DATED: November 3, 2011

STROMSHEIM & ASSOCIATES

20 By: 

21 Johnson C.W. Lee

22 Attorneys for Plaintiff

23 John T. Kendall, Trustee

24 DATED: November 2, 2011

TRUCKER ♦ HUSS

25 By: _____

26 Clarissa A. Kang

27 Attorneys for Defendant

28 Western Conference of Teamsters Pension Trust
Fund

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Exhibit A – Pages 97 and 98 of the Western Conference of Teamsters Pension Plan document; and

Exhibit B – Page 1 and 3 of the May 2, 2011 letter that counsel for Defendant sent to Randall Boone and Dean Heikes

4. Attached as Exhibits A and B, respectively to this Stipulation are full copies of the above-mentioned Exhibits A and B that were filed in hard copy with the Bankruptcy Court and served on counsel for Plaintiff John T. Kendall and on Defendant Dean J. Heikes on August 31, 2011. Mr. Heikes has not yet appeared in this action.

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IT IS SO STIPULATED.

DATED: November 3, 2011

STROMSHEIM & ASSOCIATES

By: _____
Johnson C.W. Lee
Attorneys for Plaintiff
John T. Kendall, Trustee

DATED: November 3, 2011

TRUCKER ♦ HUSS

By: /s/Clarissa A. Kang
Clarissa A. Kang
Attorneys for Defendant
Western Conference of Teamsters Pension Trust Fund

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____ November 4., 2011

Hon. Charles R. Breyer
Judge of the United States District Court

